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05 UNITED STATES DISTRICT COURT  
06 WESTERN DISTRICT OF WASHINGTON  
07 AT SEATTLE

08 DAVID FRANKLIN WEST, ) Case No. C07-617RSL  
09 )  
10 Plaintiff, )  
11 )  
12 v. )  
13 ) ORDER OF DISMISSAL  
14 JOEL ESKEs, )  
15 )  
16 Defendant. )  
17 )

18 The Court, having reviewed plaintiff's amended complaint in this 42 U.S.C. § 1983  
19 civil rights action, together with all materials in support of those documents, defendant's  
20 "Motion to Dismiss Pursuant to FRCP 12(b) and 56," the Report and Recommendation of  
21 United States Magistrate Judge James P. Donohue, the governing law and balance of the  
22 record, does hereby ORDER:

- 23 (1) The Court adopts the Report and Recommendation.  
24 (2) Defendant's Motion (Dkt. No. 28) is GRANTED and plaintiff's Amended  
25 Complaint (Dkt. No. 15) is DISMISSED with prejudice.  
26 (3) The Clerk of Court is directed to send copies of this Order to the parties and to  
Judge Donohue.

DATED this 17<sup>th</sup> day of September, 2008.

  
Robert S. Lasnik  
United States District Judge